מדינת ישראל

משרד ראש הממשלה

גנזך המדינה

G: Local Government

מס' תיק

מס' מיכל

G/45/145

מחלקה

התלכדי הפאסי - גאלמ"ן

התקיים הסגי - גאלמ"ן

Municipal Elections

Tulkarm, 1946

רמאלה 1945 - יוני 1946

מדינת ישראל

גנזך המדינה

שם: Municipal Elections Tulkarm, 1

מ - 15 / 219

מזהה פיזי:

מזהה לוגי: 2.7/1 - 622 מס פריט: 1164187

כתובת: 02-112-04-07-05 21/03/2010

ממ

1

G	45	45

219/N

GOVERNMENT OF PALESTINE

C.S.O.

SUBJECT

Municipal Elections
Tulkarm 1945

GPP. 34912—10000—1-8-46

CONNECTED FILES

NUMBER AND YEAR	SUBJECT

6 Dec 1941

① D.C. Samaria — 591 — 26.11.45

2) Copy of note (A) sent (by hand) to the Gazette Clerk for publication in the Gazette of 29.11.45

(2a)

P.A. 29.11.45

③ D.C. Samaria D. — 476 — 21.1.46

4) P.A.S. (A)
Rubi Bey
Notes (3 & 3A) are submitted
? Reply to D.C. Samaria as in para (8)
Gazette (3) pt.

(4) A.G.
Have you any comments on para 8 of fol (3) which seems to be the right thing
C.S. 28.1.46

C.S. / agree

GOVERNMENT OF CYPRUS
CHIEF SECRETARY'S OFFICE
REGISTRY
26 JAN 1946

(5)

(6) To D.C. Samaria — 30.1.46.

Rubi Bey
31.1.46

⑦ Abdullah Samara & others — 11.2.46.

8) P.A.S. (A)
Rubi Bey
? Send a copy of note (7) to D.C. Samaria for disposal, w.s.f. Gazette (6) pt.
14.2

(9) Copy of (7) sent to D.C. Samaria for disposal
17.2.46

P.A.

(10) Arab Higher Committee, Jerusalem — 25.2.46.

(11) PAS (A)
Rubin Bey

7. (10) submitted. Pl. see para (8) of f. (3) and 6. (6).
Draft reply on file for your consideration pl.

13/3

(12) A.G.

W.r.t. fol. (10) and your advice at m (8) it is proposed to reply to the Arab Higher Committee on drafted at fol. (12a). Do you agree?

11.3.46

(13) M. M. A. Baker — Telg. — 11.3.46

(14) C.S.

I agree with the proposed reply in substance although it might be desirable to tone it down slightly.

2. The real point is that it would not be possible to deal with the case of Sayyed Mohammad Ali Saleh on its own or even to deal with all thecases of Arab political prisoners on their own, and it could scarcely be suggested that at the present time, when both sides have indicated an unwillingness to compromise and a desire to settle the political issue by force, an amnesty should be granted to all political prisoners of either race.

13 March, 1946. ATTORNEY GENERAL.

P.S. The letter of the Arab Higher Committee is addressed H.E.

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE
REGISTRY
13 MAR 1946
13-3.

K.1.V.(13)

(15) U.S.(A)

Fol. (10) Submitted. Subject to H.E.'s approval the A.G. agrees that the reply should be as drafted at (11a) vide in (14)

19.3.46

(16) Y.E.

One Sayyed Muhammad Ali Saleh of Tulkarm wishes to stand for election to the Municipal Council of Tulkarm, but he is debarred by law from so doing because he has served a sentence of imprisonment and was also detained for various periods under emergency legislation, during the Arab disturbances in 1936.

2. At fol.(10), in a petition addressed to Y.E., the Arab Higher Committee request that either Sayyed Muhammad Ali Saleh be pardoned or that the law be amended, in order that he may be eligible for election to the Municipal Council.

3. It is recommended that, in accordance with the Attorney-General's advice in min.(14), a reply be sent to the Arab Higher Committee as in the draft at fol.(15a) opp.

21.3.56. Yes U.S. (A).

(17) U.S. (A)
Letter in the submitted for signature

(18) To Tewfiq Effendi Saleh Al-Husseini - 30.3.46
Copy to D.C. Samaria

(19) P.A.S.(A)
Fuhi Bey
? Send a copy of fols (13) to D.C. Samaria
w.r.t. fols (6) PR.

(20) Copy of (13) sent to D.C. Samaria - 4.4.46
for observation.

21) D.C. Samaria — 103/M — 3.4.46

(22) A.G.
I am to request your advice on (21)
5.4.46

5.4.45

(23) D.C. Samaria D. — 103/M — 23.4.46.

(24) A.G.
we have just received fol. (25) which you may wish to see before advising on f. (21)
29.4.46

(25) D.C. Samaria D. — 103/M — 10.5.46.

(26) A.G.
I am to request your advice on fol. (27). If we write from. Your m. of (19)
14.5.46.

19.5.46

(27) C.S.

In Civil Appeal No. 25/35 (2 P.L.R. 277) the Supreme Court sitting as a Court of Appeal held that a resolution of a local town planning commission was void by reason of the fact that when it was passed two members of the commission were disqualified by having held office for more than three years without being re-appointed as they were required to be by section 4(3) of the Town Planning Ordinance, 1921. In the course of its judgment the Court in that case said that "modern decisions establish the view that even where the number of those present at a meeting and ordinarily entitled to vote is sufficient, the disqualification of some of them for a special reason will vitiate the resolution - see Re Greymouth Point etc. Co. 1904, 1 Ch. 32 and Cox v. Dublin Distillery (No. 2) 1915, 1 I.R. 345".

2. That being so, it seems to me that a decision of an electoral committee one of the members of which was disqualified by reason of the fact that he was not a person "entitled to vote at the elections of councillors for the municipal corporation" as he had been "sentenced by a court of law in Palestine to a term of imprisonment for one year or upward," and had not "received a free pardon for the offence for which he was sentenced" (see section 13(2) of the Municipal Corporations Ordinance, 1934 and paragraph 2(c) of the Second Schedule to that Ordinance)/ A similar situation arose recently in connection with the appointment of the electoral committee for the municipal corporation

/would be invalid.

of Hebron and ~~I advised~~ the District Commissioner, Jerusalem District, to appoint a new electoral committee and to prescribe a date for the revision of the register of voters (see Supp. 2 to Gaz. No. 1490 of 2nd May, 1946, p. 651), and ~~I would~~ suggest that, if possible, the same procedure be adopted in this case.

3. With regard to the situation which has arisen by reason of the fact that the electoral committee overruled an objection to the insertion in the register of voters of the name of a person who, it is alleged, was not entitled to vote at the election of councillors for the municipal corporation of Tulkarm by reason of the fact that he had been "sentenced by a court of law in Palestine to a term of imprisonment of one year or upward" and had not "received a free pardon for the offence for which he was sentenced" and an appeal against the decision of the electoral committee was dismissed on technical grounds without any decision on the merits being given, ~~I can only~~ suggest that the person concerned should be warned by the District Commissioner, Nablus District, that if he is elected as a councillor his election may be questioned by an election petition under section 35(1)(c) of the Municipal Corporations Ordinance, 1934, and in addition that if he knowingly accepts or enters upon and acts in the office of councillor he will render himself liable to prosecution under section 44(a) of that Ordinance. It will then be for the person concerned to decide whether or not he should stand for election as a councillor.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
24 May, 1946.
JERUSALEM

24 May, 1946.

A/SOLICITOR GENERAL.

(28) A.G.

Before action is taken on m (27) I shall be grateful to have your advice on (21) + (23)

28.5.46

I have discussed this with Mr Baker. (28) is covered by paras 1 & 2 of m (27)

28.5.

(29) To D.C.S.D. — 28.5.46

(30) Taher D. Al-Jayousi and others — 27.5.46

(31) ~~PA.S(A)~~
Rabi Bey
? Send a copy of petition (30) to D.C. Samaria for direct action and disposal, G.L.

C.S.O. 60
GPP. 20784—30.000—14.12.43

(31) Copy of (30) sent to D.C.S.D. for direct action — 31.5.46

(32) A/President. Arab Party _____ _____ - 25.5.46

(33) To Shafiq Saleh Hussein - 5.6.46

(34) I.E.

spoke to me about the delay in the Tulkarm municipal elections. Please see folios 25 and 29 herein. I am afraid that electoral forms of local government on the English system are not altogether suited to the peculiarities of this country !
The district commissioner must, I fear, be left to sort it out: I can suggest no other way of dealing with the matter. The Palestine Arab Party, with due air of injured innocence, does not fail to rebuke the Government for its dilatoriness (folio 32). They must be well aware of the reasons for the delay.

Thank you 5.6.46

5/6/46

616

B.U. 10.6.56

B 8.6 separate to D.C. Y. regarding

B.U. 1.7.56

B 1.7.

(35) D.C. Samaria - 4.7.46

(36) D.C. Samaria — 12.7.46 B.U. 18.7.46-35

B.U. 1.8.46

B 18.7.

(37) To D.C. Samaria - 8.8.46

(38a)

(38) N' place on extract of the Gazette regarding the appointment of a new electoral Committee

B 14.8.56

(39) D.C. Samaria D. — 103/M. — 13.8.46

(40) D.C. Samaria — 103/M — 27.11.46

(41) D.C. Samaria - 103/M — 24.12.46

(42) To D.C. Samaria — 2.1.47.

(43) A.G.

Folio (40) is referred to you for favourable advice, pl.

2.1.47

/ C.S.

not. A.G. wants file back.

(44) D.C. Samaria 103/14 10.1.47 24/1.

(45) A.G.

Folio (40) is referred to you for favour of your advice pl. Folio (44) is referred in the same connection pl.

M. Seff 21.1.47
f C.S.

(46) C.S.

1. Subsection (2) of section 14 of the Municipal Corporations Ordinance, 1934, under which the then Acting District Commissioner, Samaria District prescribed the 30th day of September, 1946, as the date on, or before, which the new Electoral Committee appointed by him had to revise the register of voters for the Municipal Corporation of Tulkarm (see folio (38a) and Supplement No. 2 to Gazette No. 1511 of 8.8.46 p. 1009), was amended on the 20th November, 1946, by paragraph (a) of section 7 of the Municipal Corporations (Amendment) Ordinance, 1946, so that after the said date the District Commissioner does not prescribe the date on, or before, which the register of voters must be revised, but prescribes the date on which the revision of the register of voters must be commenced, and it appears to me, therefore, that, even assuming that he could, before the 20th November, 1946, have altered the date which he had prescribed as the date on, or before, which the register of voters had to be revised (and I express no opinion on that point), he could not do so after the 20th November, 1946.

2. In view of the above, and in view of the fact that a revision of the register is to be carried out in each year and a new year has now commenced, I would suggest that the District Commissioner, Samaria District should now prescribe the date on which the Electoral Committee is to commence to revise the register this year. It should not take long to complete such revision as a revision was completed by the Electoral Committee as recently as the 14th November, 1946 (see the first paragraph of folio (40)).

3. I submit herewith an instrument for signature by the District Commissioner, Samaria District, if approved, and publication in the Gazette.

24th January, 1947. A/SOLICITOR GENERAL.

(47) to D.C. Samaria with encl. — 28.1.47

B.U. 15.2.47

B.U. 3.3.47

(48) Notice by the H.C.

(49) Extract from Pal. Gaz. by a Special Correspondent.

P.A. 2.5
22.6.47

P.P.

G/45/45

Municipal elections — Tulkarm.

Mr. Shiff 7/11

Mr. Zawati 20/1

[illegible] 2.1.47

[illegible] 3.1.47

" B.

A. G. 22.1.47

Mr. Shiff 29.1.47

" 15/2/47

" 4/3/47

" 20/6/47

" 3/11/47

The Palestine Gazette by a special correspondent
15 January 45

(49)

The High Commissioner has appointed Hashim Eff. Jayusi as the Mayor of Tulkarem and Salah Eff. Amin Saleh as Deputy Mayor.

48

1589 19.6.47

5

G 17/46

MUNICIPAL CORPORATIONS ORDINANCE, 1934.

NOTICE BY THE HIGH COMMISSIONER UNDER SECTION 18.

No. 1 of 1934.

NOTICE IS HEREBY GIVEN that, in exercise of the powers vested in him by section 18 of the Municipal Corporations Ordinance, 1934, the High Commissioner has prescribed the 4th day of July, 1947, and the said date is hereby prescribed, as the date for the holding of elections for councillors for the Municipal Corporation of Tulkarm.

By His Excellency's Command,

Chief Secretary.

17th June, 1947.

(47)

G/46/45

28 January, 1947.

District Commissioner
Samaria District.

(44)

I am directed to refer to the correspondence ending with your letter no.108/M of 10 January, 1947, regarding the municipal elections of Tulkarem and to enclose herewith a copy of the opinion expressed on the subject by the Law Officers.

(46)

2. I am also enclosing herewith the instrument referred to in paragraph 3 of the enclosure to this letter for your signature please.

(47)

(M. SHIFF)
FOR CHIEF SECRETARY.

YZ.

MUNICIPAL CORPORATIONS ORDINANCE, 1934.

Municipal Corporation of Tulkarm.

Prescription of Date for Commencement of Revision of Register of Voters in 1947.

No. 1 of 1934.
No. 59 of 1946.

IN EXERCISE of the powers vested in me by subsection (2) of section 14 of the Municipal Corporations Ordinance, 1934, as amended by paragraph (a) of section 7 of the Municipal Corporations (Amendment) Ordinance, 1946, I, WILLIAM VICKERY FULLER, District Commissioner, Samaria District, do hereby prescribe the day of , 1947, as the date on which the Electoral Committee for the Municipal Corporation of Tulkarm shall commence to revise the Register of Voters for the Municipal Corporation of Tulkarm in the year 1947.

Gaz:8.8.46, p. 1009.

DISTRICT COMMISSIONER
SAMARIA DISTRICT.

January, 1947.
(G/45/45)

MUNICIPAL CORPORATIONS ORDINANCE, 1934.

Municipal Corporation of Tulkarm.

Prescription of Date for Commencement of Revision of Register of Voters in 1947.

No. 1 of 1934.
No. 59 of 1946.

IN EXERCISE of the powers vested in me by subsection (2) of section 14 of the Municipal Corporations Ordinance, 1934, as amended by paragraph (a) of section 7 of the Municipal Corporations (Amendment) Ordinance, 1946, I, WILLIAM VICKERY FULLER, District Commissioner, Samaria District, do hereby prescribe the day of , 1947, as the date on which the Electoral Committee for the Municipal Corporation of Tulkarm shall commence to revise the Register of Voters for the Municipal Corporation of Tulkarm in the year 1947.

Gaz:8.8.46, p. 1009.

DISTRICT COMMISSIONER
SAMARIA DISTRICT.

January, 1947.
(G/45/45)

1

MUNICIPAL CORPORATIONS ORDINANCE, 1934.

Municipal Corporation of Tulkarm.

Prescription of Date for Commencement of Revision of Register of Voters in 1947.

No. 1 of 1934.
No. 59 of 1946.

IN EXERCISE of the powers vested in me by subsection (2) of section 14 of the Municipal Corporations Ordinance, 1934, as amended by paragraph (a) of section 7 of the Municipal Corporations (Amendment) Ordinance, 1946, I, WILLIAM VICKERY FULLER, District Commissioner, Samaria District, do hereby prescribe the day of , 1947, as the date on which the Electoral Committee for the Municipal Corporation of Tulkarm shall commence to revise the Register of Voters for the Municipal Corporation of Tulkarm in the year 1947.

Gaz:8.8.46, p. 1009.

DISTRICT COMMISSIONER
SAMARIA DISTRICT.

January, 1947.
(C/45/45)

(44)

GOVERNMENT OF PALESTINE.

(Chief Clerk)

16 JAN 1947

JERUSALEM

IN REPLY PLEASE QUOTE
No. 103/M

DISTRICT COMMISSIONER'S OFEICES,
SAMARIA DISTRICT,
NABLUS.

10th January, 1947.

CHIEF SECRETARY

(42) With reference to your letter No. G/45/45 dated the 2nd January, 1947, regarding the Municipal Elections of Tulkarm I trust that the Law Officers will tender their advice at an early date as the Municipal electors of Tulkarm are getting restless.

DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

(42)

G/45/45. 2 January, 1947.

District Commissioner,
Samaria District.

(41)

I am directed to refer to your letter No.103/M of the 24th December, 1946, regarding the Municipal Elections of Tulkarem Corporation and to inform you that the matter referred to therein is referred to the Law Officers for their advice.

(M. Shiff)

For ACTING CHIEF SECRETARY.

Mr. Shiff
MMM 2.1.47.

GOVERNMENT OF PALESTINE.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
30 DEC. 1946
JERUSALEM

IN REPLY PLEASE QUOTE
No. 103/M

DISTRICT COMMISSIONER'S OFFICES,
SAMARIA DISTRICT,
NABLUS.

24th December, 1946.

G/45/45

CHIEF SECRETARY.

I have the honour to invite your attention to my letter No. 103/M dated the 27th November, 1946, regarding the Tulkarm Municipal Elections, and to enquire when I may expect to receive a reply.

DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

GOVERNMENT OF PALESTINE.

40

IN REPLY PLEASE QUOTE
No. 103/M.

DISTRICT COMMISSIONER'S OFFICE.
SAMARIA DISTRICT.
NABLUS.

27th November, 1946.

CHIEF SECRETARY.

39

With reference to my letter No.103/M dated the 13th August, 1946, regarding the Tulkarm Municipal Elections, I now find that the Electoral Committee did not complete their work until the 14th of November, 1946, that is some 45 days after the 13th day of September which was the date I prescribed for the completion of a revision.

2. I should be grateful for the Law Officers advice as to whether a register so revised is legal, and if not, whether it could be made legal by me making the amendment to my original Order.

DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

(39)

GOVERNMENT OF PALESTINE.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
16 AUG. 1946
JERUSALEM

IN REPLY PLEASE QUOTE
No. 103/M

DISTRICT COMMISSIONER'S OFFICES,
SAMARIA DISTRICT,
NABLUS.

13th August, 1946.

CHIEF SECRETARY.

(37)

With reference to your letter No.G/45/45 dated the 8th August, 1946, regarding the Tulkarm Municipal Elections, I have the honour to inform you that in accordance with the Law Officers' advice contained in your letter No.G/45/45 dated the 28th May, 1946, I have appointed a further Electoral Committee to revise the Register of Voters.

(29)

2. My order in this respect was published on page 1009 of Supplement No.2. to Gazette No. 1511 of the 8th August, 1946.

(38)

DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

(38a)

MUNICIPAL CORPORATIONS ORDINANCE, 1934.

Appointment of New Electoral Committee and Prescription of Date for Revision of Register of Voters.

In exercise of the powers vested in me by subsection (4) of section 13 and subsection (2) of section 14 of the Municipal Corporations Ordinance, 1934, section 24 of the Interpretation Ordinance, 1945, and of all other powers enabling me in this behalf, I, William Vickery Fuller, Acting District Commissioner, Samaria District, do hereby revoke the appointment of the Chairman and Members of the Electoral Committee for the Municipal Corporation of Tulkarm appointed by me, in the above mentioned capacity, on the twenty-sixth day of November, 1945, and appoint as Chairman and Members of a new Electoral Committee for the Municipal Corporation of Tulkarm, the following persons, that is to say:— No. 1 of 1934. No. 9 of 1945.

Chairman: Hashim Effendi Jayyusi.
Members: Abdul Halim Effendi Mohammad el Jabali.
Salah Amin Effendi Salah.
Tahir Effendi Hannun.
Khalil Effendi Jallad.
Mikhael Effendi Saba,

and do hereby prescribe the thirtieth day of September, 1946, as the date on, or before, which the said new Electoral Committee shall revise the Register of Voters for the Municipal Corporation of Tulkarm.

W. V. FULLER
Acting District Commissioner, Samaria District.

29th July, 1946.

MUNICIPAL CORPORATIONS ORDINANCE, 1934.

Municipal Corporation of Acre.

Names of Candidates elected at Election held on the 28th July, 1946.

Notice is hereby given, in accordance with regulation 20(2) of the Regulations for the nomination and election of councillors for Municipal Corporations set out in the Seventh Schedule to the Municipal No. 1 of 1934.

GOVERNMENT OF PALESTINE.

(36)

IN REPLY PLEASE QUOTE
No. 103/M

SECRET

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
16 JULY 1946
JERUSALEM.

DISTRICT COMMISSIONER'S OFFICES.
SAMARIA DISTRICT.
NABLUS.

12th July, 1946.

CHIEF SECRETARY.

(35)

With reference to your letter No.G/45/45 dated the 4th July, 1946, regarding the Tulkarm Municipal Elections, I have the honour to inform you that I am appointing a new Electoral Committee in Tulkarm. Delay has been caused by the obvious need:

(a) To replace any member of the last Committee found to be ineligible by persons of the same party, religion, etc.; and

(b) To examine the eligibility of all members of the new Electoral Committee. In this connection, it is of interest that it now transpires that one other member of the previous Committee was not eligible for appointment.

2. I hope to be in a position to appoint the new Committee shortly.

Ag/DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

Rubi Day
Make this file secret?
No

T.C.
2.7146 2.7.46.

G/45/45

4 July, 1946.

District Commissioner,
~~Jerusalem~~ District.
Samaria

I am directed to refer to my letter No. G/45/45 of the 28th May, 1946, regarding Tulkarem Municipal elections and to enquire how the matter now stands.

Sgd. [illegible]
CHIEF SECRETARY.

Mr.Mushahwar
SL
1/6 2/6

G/45/45 5 June, 1946

FOR ARABIC

(32)

Sir,

I am directed to acknowledge the receipt of your letter dated the 25th May 1946, on the subject of Municipal Elections and to inform you that the matter is receiving attention.

I am,
Sir,
Your obedient servant,

for Chief Secretary
CHIEF SECRETARY.

Tewfic Saleh Hussein
A/President of the Palestine
Arab Party.

حزيران سنة ١٩٤٦ جي/٤٥/٤٥

حضرة الفاضل السيد توفيق صالح الحسيني المحترم ،
وكيل رئيس الحزب العربي الفلسطيني — القدس .

اوعز الي ان اعلمكم بوصول كتابكم المؤرخ
في ٢٥ ايار سنة ١٩٤٦ ، بشأن الانتخابات البلدية ،
و ان افيدكم ان المسألة هي موضع النظر والاهتمام .

و اقبلوا فائـــق الاحترام ،

عن السكرتير العام

The Palestine Arab Party,
P.O.B. 1357,
Jerusalem.

25th May, 1946.

The Honourable,
The Chief Secretary.

Sir,

Many of the people in the different towns of Palestine complain to us of the delay in holding the municipal elections, and request that you may be moved to use your good offices with a view to issuing the necessary instructions for expediting the election in the towns in which the elections have not as yet been held.

Tulkarem may be cited as an example of such delay as all the legal formalities regarding the voters and registers of this town were completed about a month ago, but no date has yet been fixed for the elections. Any further delay in holding these elections would arouse the anxiety of the public and create rumours regarding the reasons of the delay.

In the circumstances, we find it incumbent upon us to place the matter before you.

With highest respects,

(Sgd) Tewfic Saleh Huseini,
A/President of the
Palestine Arab Party.

(32A)

الحزب العربي الفلسطيني

المركز العام

القدس

صندوق البريد : ١٣٥٧ التلفون : .....

القدس في ٢٥ ايار ١٩٤٦

سعادة سكرتير العام لحكومة فلسطين

دائرة السكرتيرية العامة = القدس ٠

يشكو الينا الكثيرون من ابناء الشعب في مختلف المدن الفلسطينية من جراء التاخير والعاقة في اجراء الانتخابات البلدية ، وهم يرجون تدخل سعادتكم لاصدار الاوامر اللازمة للاسراع في اجراء الانتخابات في المدن التي لم تجد فيها الى الان ٠

ومن الامثلة على ذلك مدينة طولكرم ، فقد انتهت فيها الاجراءات القانونية بخصوص الاسماء وتلجد وال منذ شهر تقريبا ، والى الان لم يعين يوم لاجراء الانتخابات ٠ وان كل تاخير في اجرائها يقلق الراي العام ويخلق مجالا للقيل والقال في اسباب التاخير ٠

وقد راينا من واجبنا عرض ما تقدم على سعادتكم ، راجين ان تتفضلوا بقبول التحية والاحترام ٠

وكيل رئيس الحزب العربي الفلسطيني

(30)

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
29 MAY 1946
9/45/45
JERUSALEM

TELEGRAM

From Taher Daoud Al-Jayousi,
Abdallah Fayyad Khadr,
Abdul Rahim Ali, Abdallah
Samara, and 22 others.

To His Excellency,
The High Commissioner.

Despatched Tulkarem, 27.5.46.

The voters in Tulkarem are surprised at the failure of Government until now to fix a date for the Municipal elections in their town, especially as the Electoral Committee has completed the election register about two months ago. We therefore appeal to Your Excellency, on behalf of the voters of Tulkarem, to appoint a date for the elections at the earliest possible convenience, in accordance with justice and the principles of democracy.

C

P.T. 30

Service Instructions / הוראות השירות / تعليمات ادارية

Handed in at / נמסר ב / سلمت في نمرة

On / התאריך ביום / التاريخ يوم

Time / הזמן / الوقت

Received at / נתקבל ב / وصلت في نمرة 1730

Office No. 6 — No. of Telegram

Orig. No. 31

Words 111

Recd. from

By

JERUSALEM 27 NOV 45

To / אל / الى: سكرتارية المندوب السامي القدس

يشرفني الناخبون في طولكرم اقفال الحكومة يوم الانتخابات
العربية في مدينتهم سوا وجد انشرح اللجنة الانتخابية جداول
الانتخابات فقط عاصمة الدولة فاننا باسم الناخبين من تعليمات
طولكرم واحيائها نكتب مثلما نكتب يوم الانتخابات
الشرع اما نكتب في شيتاء للعدالة وللمحاماة في الدولة العربية

طاهر داود الحسيني - عبد الله فياض خليل
عبد الرحيم علي - عبد الحليم الحمالي محمود الشنير
عبد الله السماوي - عبد الله جلاجلة فكري الصفاطي

C

Service Instructions
Handed in at
On
Time
Received at

No. of Telegrams
No.
Words
Recd. from
By

JERUSALEM 27 MAY 46

To

سعيد عبلوني - فايق ابو شريف - خليل الخوري -
حسطي - [illegible] عبد الرحيم - [illegible] - [illegible]
يوسف ابو [illegible] - احمد [illegible] - عبد الله ابو صلاح - عبد اللطيف
سمارة - ذيب الصوصه - [illegible] البدير - سليمان
عوده - عبد الله - صدقي [illegible] - [illegible]
العاني - كامل [illegible] - [illegible] احمد حمود ابو شلب
محمد عواد

[illegible]—000000—31.12.44—G.C.P.

29

G/45/45

28 May 1946.

District Commissioner,
Samaria District.

23

I am directed to refer to your secret letters no: 103/M of the 3rd April, 23rd April and 10th May 1946, regarding the electoral committee of Tulkarm and the eligibility of Mohammad Ali Saleh to stand for election to the municipal council, and to inform you that Government is advised on these two questions as follows :

2. In Civil Appeal No.25/35 (2 P.L.R. 277) the Supreme Court sitting as a Court of Appeal held that a resolution of a local town planning commission was void by reason of the fact that when it was passed two members of the commission were disqualified by having held office for more than three years without being re-appointed as they were required to be by section 4(3) of the Town Planning Ordinance, 1921. In the course of its judgment the Court in that case said that "modern decisions establish the view that even where the number of those present at a meeting and ordinarily entitled to vote is sufficient, the disqualification of some of them for a special reason will vitiate the resolution - see Re Greymouth Point etc. Co. 1904, 1 Ch. 32 and Cox v. Dublin Distillery (No.2) 1915, 1 I.R. 345".

3. That being so, it seems that a decision of an electoral committee one of the members of which was disqualified by reason of the fact that he was not a person "entitled to vote at the elections of councillors for the municipal corporation" as he had been "sentenced by a court of law in Palestine to a term of imprisonment for one year or upward", and had not "received a free pardon for the offence for which he was sentenced" (see section 13(2) of the Municipal Corporations Ordinance,1934 and paragraph 2(c) of the Second Schedule to that Ordinance)would be invalid. A similar situation arose recently in connection with the appointment of the electoral committee for the municipal corporation of Hebron and the Law Officers advised the District Commissioner, Jerusalem District, to appoint a new electoral committee and to prescribe a date for the revision of the register of voters (see Supp.2 to Gaz. No. 1490 of 2nd May 1946, p. 651), and it is suggested that, if possible, the same procedure be adopted in this case.

4. With regard to the situation which has arisen by reason of the fact that the electoral committee overruled an objection to the insertion in the register of voters of the name of a person who, it is alleged, was not entitled to vote at the election of councillors for the municipal corporation of Tulkarm by reason of the fact that he had been "sentenced by a court of law in Palestine

./.

to a term of imprisonment of one year or upward" and had not "received a free pardon for the offence for which he was sentenced" and an appeal against the decision of the electoral committee was dismissed on technical grounds without any decision on the merits being given, it is suggested that the person concerned should be warned by the District Commissioner, Nablus District, that if he is elected as a councillor his election may be questioned by an election petition under section 35(1)(c) of the Municipal Corporations Ordinance, 1934, and in addition that if he knowingly accepts or enters upon and acts in the office of councillor he will render himself liable to prosecution under section 44(a) of that Ordinance. It will then be for the person concerned to decide whether or not he should stand for election as a councillor.

(Ruhi Abdulhadi)
for CHIEF SECRETARY.

Ruhi Bey

28/5

GOVERNMENT OF PALESTINE.

IN REPLY PLEASE QUOTE
No. 103/M
SECRET

SECRET

CHIEF SECRETARY'S OFFICE
13 MAY 1946
JERUSALEM.

DISTRICT COMMISSIONER'S OFFICE.
SAMARIA DISTRICT.
NABLUS.

10th May, 1946.

CHIEF SECRETARY.

With reference to your letter No.G/45/45 dated the 30th January, 1946, on the subject of Mohammad Ali Saleh's eligibility to stand for election to the Municipal Council of Tulkarm, I have the honour to inform you that Mohammad Ali's name was inserted in the register of voters by the Electoral Committee.

2. An objection was made to the Committee against the insertion of his name in accordance with Section 15(1) of the Municipal Corporations Ordinance, 1934, but the Committee overruled the objection.

3. In due course the objector appealed to the District Court in accordance with Section 16 of the Municipal Corporations Ordinance, but the Court dismissed the appeal on technical grounds. In this connection, I enclose a copy of the judgment of the Court.

4. As there is no provision in the Ordinance for a further appeal, the position now is that Mohammad Ali, who is legally ineligible to be either a townsman for the purposes of voting or a municipal councillor, has his name included in the register of voters and will possibly (and I believe probably) be elected as a councillor.

5. Against this there is, so far as I am aware, no legal or other remedy, except:

(a) Under Section 44 of the Ordinance he may, if elected, be convicted for acting as a councillor. That Section imposes a penalty on any person who knowingly accepts and acts in the office of councillor without possessing the qualifications required by Section 11 of the Ordinance. Section 11 states, inter alia, that "a person shall not be qualified .... to be a councillor .... unless he is possessed of the qualifications set out in the Fourth Schedule .... to this Ordinance". The Fourth Schedule lays down as a necessary qualification that a person can only be eligible to be a councillor "who is enrolled and is entitled to be enrolled as a townsman". Therefore, as Mohammad Ali is not entitled to be enrolled as a townsman, he will be committing an offence if he acts as a councillor even though elected. However, it is unlikely that an official prosecution would be instituted against a person acting as a councillor who was so acting after receiving a mandate from the electors given in a free election;

(b) His election can be upset after the election by a petition under Section 35(1), an opportunity which his opponents are unlikely to miss.

Nuhi Bey,
? Make file secret?
13/5

No 1.
? Place it on secret file
12.5.

6. While the remedy mentioned in sub-paragraph (a) of the last paragraph is only of academic interest, that mentioned in sub-paragraph (b) is a definite possibility and an absolute certainty if the results of the election leave the two parties in the Council fairly evenly balanced.

7. As I am anxious to avoid any post-election petition which might continue election excitement indefinitely, I have to enquire whether the Law Officers can advise as to any pre-election remedy now open.

Ag/DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

CIVIL APPEAL NO. 9/46

IN THE DISTRICT COURT OF NABLUS (APPELLATE CAPACITY).

BEFORE:- His Honour Judge Rose - A/R/President.

IN THE APPEAL OF:

Mohammad Nimer Abdul Qader.
v.
Mohammad Ali Saleh Tayeh of
Tulkarm.

Appeal from the decision of the Municiapl Electoral Committee of Tulkarm dated 26.2.1946

JUDGMENT

This was an appeal under the provisions of sec.16 of the Municipal Corporation Ordinance,1934.The first point for consideration was whether Rule 334 of the Civil Procedure Rules applies in view of the fact that there was no final application for hearing in open Court and no direction by the President that it should be so heard.I am of the opinion that this Rule does apply,and that Sub Sec.3 of section 16 of the Municipal Corporations Ordinance applies only where an application in proper form for a hearing in Court has been made.I was asked to exercise my discretion and to hear argument in Court,but in view of the facts-

(i) That one or both parties had arrived escorted by a horde of unruly supporters;and
(ii)That one or both parties obviously intended to make the occasion an excuse for irrelevant polimics.

I considered it better not to do so.

2. The next point which arises is whether the notice of appeal is in order.It would appear not.An appellant is entitled ,under Sub-Section (1) of Section 16,to submit to this Court that the adjudication is wrong in law on grounds which are stated in the notice of appeal.He is not entitled,as has been done here,to submit alleged questions of law for determination by this Court.It is not an appeal by way of case stated.

3. One very obvious ground of appeal was not taken and that is that there is no proper adjudication by the Electoral Committee.It is quite obvious that there can be only one adjudication and,if there is no unanimity,Sub Section 4) of Section 15 of the Ordinance has application. As,however this point is not taken in what purports to be the notice of appeal and as,in any event,it would appear that this Court has no power under Sub Section (4) of Section 16 of the the Ordinance,or otherwise,to remit the case for a proper adjudication ,I have no alternative but to dismiss the appeal.Whether the appellant has any other remedy is not a matter for this Court.

4. There will be no order as to costs.

GIVEN & DELIVERED this 25th day of March,1946.

Sgd) C.C.Rose
A/R/PRESIDENT

(Copy)

13.4.1946

(251)

To
District Commissioner,
Nablus
Through the Assistant District Commissioner,
Tulkarm.

Petitioner :- Mohammad Nimer Abdul Qader, Tulkarm.

Sir,

On 23.3.1946 I have applied to you asking for a copy of the letter of the Attorney-General given in the Case of Mohammad Ali Saleh Tayeh of Tulkarm, I did not receive any answer.

The President, District Court, Nablus has delivered his judgment dismissing my appeal on grounds of formality, one of which is that the Electoral Committee did not apply para 4 of Section 15 of the Municipal Corporation Ordinance 1934.

Therefore, I applied on 5.4.1946 to the Chairman of the Electoral Committee for a hearing of my objection, asking for the striking out of mmeame of the a/m Mohammad Ali Saleh from the register of the voters on the ground that he was convicted and sentenced to 15 months penal servitude ; especially that the Attorney General refused to recommend him for any pardon , or to amend the law for his favour . I did not get any result. I understood that the Chairman of the Electoral Committee has signed the register of voters and the name of the a/m is not struck out.

Now I come to pray you for a communication with the Attorney General to issue an order to the Electoral Committee to hear my objection and to apply para 4 of sec.15 of the Municipal Corporation Ordinance 1934 as referred to by the President , District Court, Nablus, and that the name of Mohammad Ali Saleh be struck out the register of voters according to Law.

Sgd) Mohd. Nimer A/Qader

GOVERNMENT OF PALESTINE.

(23)

REPLY PLEASE QUOTE
No. 103/M
SECRET

Not secret

SECRET

DISTRICT COMMISSIONER'S OFFICE,
SAMARIA DISTRICT,
NABLUS.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
24 APR 1946
9/45/45
JERUSALEM

23rd April, 1946.

CHIEF SECRETARY.

No action reqd

(21)

With reference to my letter No.103/M dated the 3rd April, 1946, regarding the Electoral Committee of Tulkarm, I have now received details of the imprisonment of George Eff. Dahalan.

2. He was sentenced to three years imprisonment in 1921 on a charge of misappropriation of Turkish Government land. It is believed that in this case he was made the scapegoat by the principals in the case of misappropriation as he was the weakest character involved, and although he received three years imprisonment the principals all escaped punishment.

3. He has no other criminal record.

Ag/DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

23

GOVERNMENT OF PALESTINE.

REPLY PLEASE QUOTE
No. 103/M
SECRET

not secret

SECRET

DISTRICT COMMISSIONER'S OFFICE,
SAMARIA DISTRICT,
NABLUS.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
24 APR 1946
9/45/45
JERUSALEM

25rd April, 1946.

CHIEF SECRETARY.

No trace under

21

With reference to my letter No.103/M dated the 3rd April, 1946, regarding the Electoral Committee of Tulkarm, I have now received details of the imprisonment of George Eff. Dahalan.

2. He was sentenced to three years imprisonment in 1921 on a charge of misappropriation of Turkish Government land. It is believed that in this case he was made the scapegoat by the principals in the case of misappropriation as he was the weakest character involved, and although he received three years imprisonment the principals all escaped punishment.

3. He has no other criminal record.

Ag/DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

G/45/45

(12)

D R A F T

Letter to : Tewfic Eff. Saleh al Husseini
The Arab Higher Committee,
Jerusalem.

Sir,

I am directed to acknowledge the receipt of your letter of the 25th February 1946, regarding the case of Mohammad Ali Saleh of Tulkarem, ~~and to inform you that~~ As the law stands Mohd. Ali Saleh is not eligible for election and Government sees no grounds either to grant him a free pardon or ~~to amend the Municipal Corporation's Ordinance.~~

C.S.

Copy to : District Commissioner,
Samaria District.

10.3.46
SL

(19)

G/45/45. 30 March, 1946.

Sir,

(10)

I am directed to acknowledge the receipt of your letter of the 25th February 1946, regarding the case of Mohammad Ali Saleh of Tulkarm.

2. As the law stands Mohd. Ali Saleh is not eligible for election and His Excellency the High Commissioner sees no sufficient grounds either for the grant to him of a free pardon or for an amendment of the Ordinance in connection with political offenders generally.

I am, Sir,
Your obedient servant,

CHIEF SECRETARY.

Tewfic Eff. Saleh al Husseini,
The Arab Higher Committee,
Jerusalem.

Copy to: District Commissioner,
Samaria District.

Open C. D.

Drafted by	Approved by
.....	Ruhi Bey.
Received on	Typed by HL
26.3.46.	on 26.3.46.

آذار سنة ١٩٤٦ ج /٤٥/٤٥

حضرة الفاضل السيد توفيق صالح الحسيني المحترم ،
اللجنة العربية العليا — القدس .

اوعزالي ان اعلمكم بوصول كتابكم المؤرخ في ٢٥ شباط سنة ١٩٤٦ ، بشأن قضية السيد محمد علي الصالح من طولكرم .

٢ .— ما دام القانون بصيغته الحالية ، يعتبر السيد محمد علي الصالح غيراهل للانتخاب ، ولا يجد فخامة المندوب السامي ثمة اسباب كافية سواء لمنحه عفوا او لتعديل القانون بشأن المجرمين السياسيين عموما .

واقبلوا فائق الاحترام ،

السكرتيرالعام

GOVERNMENT OF PALESTINE.

IN REPLY PLEASE QUOTE
No. 103/M

SECRET

SECRET

DISTRICT COMMISSIONER'S OFFICE,
SAMARIA DISTRICT.
NABLUS.

3rd April, 1946.

CHIEF SECRETARY.

I have the honour to refer to my notice published on page 1405 of Supplement No.2 to Palestine Gazette No.1458 of the 29th November, 1945, appointing an Electoral Committee for the Municipal Corporation of Tulkarm.

2. During the consideration of objections to the register of voters under Section 15(1) of the Municipal Corporations Ordinance, 1934, the name of George Eff. Dahalan was deleted from the register of voters on the grounds that he had previously been sentenced to three years imprisonment. Of this imprisonment I had no previous knowledge; nor did those notables in Tulkarm who were consulted before the appointment of the Committee disclose the fact to me.

3. By Section 13(2) the Electoral Committee must be composed of persons entitled to vote at elections. It, therefore, appears that George Eff. Dahalan was not entitled to become a member of the Committee and it appears to me that the Committee, being wrongfully composed, has no legal authority to prepare a register of voters and that its work must be cancelled and a new Committee appointed.

4. I am anxious to avoid such a contingency if possible, as the Electoral Committee have had considerable trouble in the preparation of the register of voters and a new Committee will not find its task easy. On one occasion I had to reprimand the members of the first Committee for an unnecessary dispute which arose during their deliberations.

5. In the circumstances, I should be grateful if the Law Officers' advice could be obtained as to whether there is any legal way whereby the work done by the present Committee can be legalized.

Ag/DISTRICT COMMISSIONER,
SAMARIA DISTRICT.

(B)

TELEGRAM.

From Mohammad Nimer Abdul Qader.

To His Excellency,
The High Commissioner.

Despatched Tulkarem, 11.3.46.

I and many others have been more than surprised that the Arab Higher Committee should have prayed Your Excellency to pardon Mohammad Ali Al-Saleh of Tulkarem to enable him to take part in the Municipal elections. The said person has been convicted by the District Court of Haifa on five charges which appear in the judgment of the said Court. Of these was a charge of assault and wounding a member of the Police Force, another of unlawfully causing the death of another. He was imprisoned for a period of fifteen months in Acre Central Prison. The application of the Arab Higher Committee is contrary to law, because there is a case pending against the said person before the President of the District Court of Nablus. Furthermore, the said person applied some two months ago to be reprieved to the Attorney General, but his application was not granted.

C

Service Instructions	طلبات ادارية / הוראות משרדיות	Prefix No. 0	No. of Telegram
Handed in at طولكرم	سلمت في نمبر / נמסר ב	Orig. No. 11	
On 10 11	التاريخ / ביום	Words 91	
Time 10	الوقت / הזמן	Recd. from 7K	
Received at 10	وصلت في / נתקבל ב	By	

To الى / אל: فخامة المندوب السامي بالقدس

استغربت	كما استغرب	كثير من	البلاد طلب
اللجنة العربية	من العلماء	من قناصلكم	اصدار عفو
عن محمد علي	الصالح من	طرفكم لسكان	الاستئنافي
في الاستئنافات	العليا ان	المذكور	محكوم عليه
من طرف محكمة	حيفا الجزائية نحن		بالاعدام
مذكورة بقرار	المحكمة من	حيفا	ضرب وجرح
الصادر من	البوليس	والقتل قصداً	في
تحت عشرة	١٠		طلب البلاد
العليا مخالف للقانون			قطعية المذكور

—G.G.P.

C P.T. 6.

Service _____ لطلبات ادارية Prefix No. _____ No. of Telegram _____

Instructions _____ הוראות משרדיות No. _____

Handed in at _____ سلمت في نمسر ٢ ن Words _____

_____ המוסר מיום

Time _____ الوقت المسلم Recd. from _____

Received at _____ وصلت في نمسر ٢ ن By _____

JERUSALEM 11 MR

To

~~[illegible]~~ رئيس تركية الناس تعمل المائت فرفض طلبه	قبل النظر تشهد الصدر	امام الغيام	امام طلب المذكور عفوا عنه
محمد	عبد القادر		

[illegible]—900000—31.12.44—Q.C.P.

(10)

The Arab Higher Committee,
Jerusalem.

26th February, 1946.

His Excellency,
The High Commissioner.

Your Excellency,

We have the honour to address the following memorandum to Your Excellency, in the hope that it will meet with your favourable consideration:-

As a result of the frequent disturbances which have broken out in Palestine since the Occupation, and in particular, the disturbances of 1936-1939, the civil and military authorities brought before the Civil and Military Courts a large number of men and youngmen on various charges under the Emergency and Defence Regulations, such as taking part in demonstrations, being in possession of arms, or having taken part in the disturbances. Various sentences were imposed on these men including imprisonment for periods exceeding one year.

Under the Municipal Corporations Ordinance, 1934, any person who has been sentenced to imprisonment for one year or more, by any Palestinian Court, is thereby deprived from the right of electing or of being elected. The Ordinance, however, does not define the nature of the charge, which on conviction of the accused, disqualifies the offender from the exercise of his civil rights and makes no distinction between sentences imposed for ordinary criminal offences and those for political activities.

In this connection, it is submitted that a considerable number of the finest of this country's men have been sentenced to terms of imprisonment of one year or more, on charges of having taken part in the political disturbances which prevailed in the country. In the absence of any distinction between sentences imposed in respect of ordinary criminal offences and those in respect of political offences all these men will not be able to exercise the right to elect or to stand as candidates for election.

A case in point which we have the honour to place before Your Excellency is that of Sayyed Mohammad Ali Saleh of Tulkarem, against whom two sentences ~~two sentences~~ of imprisonment have been given, namely:-

1. A sentence of nine months' imprisonment given by the British Judge (Mr. Hubbard) in Haifa, on a charge of having taken part in an Arab political demonstration.

2. A sentence of fifteen months' imprisonment given by the British Judge in Haifa (Mr. Sherwell), on a similar charge.

In both cases, the Court took into consideration the special circumstances of Sayyed Mohammad Ali Saleh and his character, and ordered special treatment. Consequently, he served both sentences in the foreigners prison (sic) ward, Acre Central Prison. Nevertheless, owing to these two sentences of imprisonment, Sayyed Mohammad Ali Saleh is considered to have forfeited his civil rights under the provisions of the said Ordinance.

p.t.o.

Sayyed Mohammad Ali Saleh is of the finest youngmen of this country, whether from the point of view of national sincerity, character or behaviour. It is in the interest of the country that he and other men like him should be on municipal councils, particularly since the municipal institutions are the only representative bodies in Palestine. Sayyed Mohammad Ali Saleh desires now, at the request of a large number of persons, all of whom possess the right to elect, to nominate himself for election to the Municipal Council of Tulkarem, but the Municipal Corporations Ordinance as it stands, bars him from doing so.

It is therefore requested that Your Excellency may be pleased to ~~xxxx~~ give this matter your sympathetic attention and consideration, and in the result that Your Excellency may be pleased to exclude, by adopting the usual constitutional measures, political offenders who have been sentenced to imprisonment for a period of one year or more from the operation of the provisions of the Municipal Corporations Ordinance, and in view of the impending elections, that Your Excellency may be further pleased to treat this matter as urgent.

With highest respects,

(Sgd) Tewfic Saleh Al-Huseini,
for the Arab Higher
Committee.

(١٥٥)

اللجنة العربية العليا
القدس

في ٢٥ شباط ١٩٤٦

صاحب الفخامة المندوب السامي الافخم
القدس •

بعد التحية • نتشرف بعرض ما يلي على فخامتكم راجين ان تنال عريضتنا اهتمام فخامتكم وعنايتكم الفائقة •

بسبب حوادث الاضطرابات العديدة التي وقعت في فلسطين منذ الاحتلال ، وبصورة خاصة اضطرابات ١٩٣٦ ــ ١٩٣٩ ساقت السلطات المدنية والعسكرية عددا كبيرا من رجال البلاد وشبابها امام المحاكم المدنية والعسكرية متهمين بالخروج على النظام والاخلال بالامن العام وخرق انظمة الطوارئ وقوانين الدفاع ، كالاشتراك بالمظاهرات او حمل الاسلحة او الاشتراك بالاضطرابات • وقد حكم على الكثيرين منهم بمختلف انواع الاحكام ومنها السجن لمدة تزيد على سنة واحدة •

وينص قانون البلديات لفلسطين لسنة ١٩٣٤ على ان الشخص الذي يصدر بحقه حكم سجن من اية محكمة فلسطينية ، لمدة سنة فما فوق ، يحرم من حق الانتخاب ومن ترشيح نفسه ، ولم يبين القانون نوع التهم التي يعتبر الحكم بموجبها سببا لفقد ان الحقوق المدنية ولم يفرق بين الحكم الذي يصدر لاعمال اجرامية عادية، وبين الحكم الذي يصدر لأعمال سياسية •

ونظرا لان الكثيرين من احسن رجال البلاد وشبابها قد حكم عليهم بالسجن لمدة سنة او اكثر بسبب تهم الاشتراك في الاضطرابات السياسية التي وقعت في البلاد ، فان عدم التفريق بين الحكم الصادر لتهم اجرامية عادية ، وبين الحكم الصادر لتهم سياسية ، يمنع هؤلاء الرجال والشباب من حق الانتخاب وحق الترشيح •

وامامنا حادثة معينة نتشرف بعرضها على فخامتكم ، فان السيد محمد علي الصالح من طولكرم صدر عليه حكمان بالسجن وهما ــ

١ = حكم من قبل قاض بريطاني (المستر هيرد) في حيفا لمدة تسعة اشهر بتهمة اشتراكه في مظاهرة عربية سياسية •

٢ = حكم من قبل القاضي البريطاني (المستر شرول) في حيفا لمدة خمسة عشر شهرا بتهمة اشتراكه في مظاهرة عربية سياسية •

وقد قدرت المحكمتان ظروف السيد محمد علي الصالح الخاصة وطبيعة التهم ، فاوصتا بمعاملته معاملة خاصة ، فامضى مدة الحكمين في سجن الاجانب بسجن عكا المركزي ، ولكن بسبب هذين الحكمين اللذين صدرا بسجن السيد محمد علي الصالح فانه يعتبر فاقدا لحقوقه المدنية بموجب نصوص قانون البلديات الذي ذكرناه •

والسيد محمد علي الصالح هو من خيرة شباب البلاد ، وطنية وخلقا وسلوكا • وانه لمن مصلحة البلاد ان يكون هو وامثاله في المجالس البلدية ، وهي الهيئات الوحيدة الموجودة الان لتمثيل الفلسطينيين ، والسيد محمد علي الصالح يرغب في ترشيح نفسه لمجلس بلدية طولكرم بناء على طلب جمهور كبير ممن يملكون حق الانتخاب فيها ، ولكن نص قانون البلديات قد يقف حائلا دون تحقيق هذه الرغبة •

لذلك نتشرف برجاء فخامتكم ان تعيروا هذه المسالة اهتمامكم وعنايتكم فتصدروا

امركم الكريم ، بالطريقة القانونية الدستورية المتبعة ، باستثناء المحكومين بالسجن لمدة سنة فما فوق لتهم سياسية ، من ان يسري عليهم نص قانون البلديات في هذا الصدد ، ونظرا لقرب موعد اجراء الانتخابات نلتمس من فخامتكم سرعة اصدار امركم الكريم في هذا الشأن .

وتفضلوا يا صاحب الفخامة بقبول التحية والاحترام .

رئيس
عن اللجنة العربية العليا

اللجنة العربية العليا للدفاع
القدس

(7)

TELEGRAM. 9/45/45

From Abdallah Samara, Rashed Jayousi, Mohammad Abdul Halim, Munir Al-Sakhtian and five others.

To The Honourable, The Chief Secretary.

Despatched Tulkarem, 11.2.46 (9.50). Received (10.15).

We are greatly perturbed that Government's reply to the application of Advocate Hanna Asfour that our candidate Sayyid Ali Saleh may be permitted to be a candidate for election, has been delayed. Election lists were posted five days ago. Ten days only remain before the expiry of the time limit. A delayed reply will prevent a representation of "the one hundred" (sic) on the coming Municipal Council of Tulkarem.

C

P.T. 6.

Service Instructions	تعليمات ادارية / הוראות סדרתיות	Prefix No. 3	No. of Telegram
Handed in at	سلم في مكتب / נמסר ב	Orig. No. 6	
On 11	التاريخ / ביום	Words 74	
Time 1.50	الوقت / זמן	Recd. from	
Received at 1.15	وصل في مكتب / נתקבל ב	By	

JERUSALEM 11 * FEB 46

To / אל / الى

سعادة السكرتير العام القدس

القاهرة مسالحود على نفوسنا بسبب تأخير جواب
الحكومة على طلب الملاجئ حتا عصفور بالخصوص مرسلنا
السيد علي الصفاقي والسلام لا تستبطئ نفسنا ان
جداول الانتخابات قد علقت منذ ثمانية ايام
والمدد الباقية تقل عن العشرة ايام وتأجيل الجواب
يعرضنا ان يطول دون تمثيل المئة في المجلس بلدي
طولكرم الانتظار

عبد الله سعد راشد الموسى محمد عبد الله
مفتي الساحل ان عفيف الحاج ابراهيم خليفة الحداد حسن الحاج

عبد الله فياض شهيد الخليل

Open C. D.

Drafted by Mr. Smain. Approved by Ruhi Bey.

Received on 28/1. Typed by JS on 28/1.

(6)

G/45/45.

30 January, 1946.

District Commissioner,
Samaria.

(3)

I am directed to refer to your letter No. 436, dated the 21st January 1946, on the subject of Mohammad Ali El Saleh, and to approve the reply proposed in paragraph 8 of your letter under reference.

for CHIEF SECRETARY.

GOVERNMENT OF PALESTINE.

IN REPLY PLEASE QUOTE
No. 436
CONFIDENTIAL

CONFIDENTIAL

CHIEF SECRETARY'S OFFICE
24 JAN 1946

DISTRICT COMMISSIONER'S OFFICE,
SAMARIA DISTRICT,
NABLUS.

21st January, 1946.

CHIEF SECRETARY.

G/45/45

I have the honour to submit a copy of letter No.3364/45 of the 18th November, 1945, addressed to me by Mr. John Asfour, Advocate, regarding the eligibility of Mohamad Ali El Saleh to stand for election to the Municipal Council of Tulkarm.

2. Mohamad Ali appears to have been an active supporter of the rebels during the Arab disturbances. In 1936 he, together with others, appeared before the Court in Haifa charged with the following offences:-

(a) Taking part in an unlawful assembly.
(b) Taking part in a riot.
(c) Continuing to take part in a riot after order had been given to disperse.
(d) Beating and wounding Police Officers on duty.
(e) Murder.

Contrary to Section 24, 25, 26 and 29 of the Criminal Law (Seditious Offences) Ordinance of 1929, and Sections 112 and 174 of Ordinance No.2. of 1922.

Mohamad Ali was sentenced by the Court to 15 months imprisonment.

3. Mohamad Ali was also detained under Regulation 15B of the Emergency Regulations, 1936, as follows:-

(a) For 3 months on the 15th of November, 1937.
(b) For 1 month on the 31st January, 1938.
(c) For 12 months on the 23rd of December, 1938.

He was placed under police supervision under Regulation 15A of the Emergency Regulations, 1936, as follows:-

(a) For 12 months on the 31st January, 1938.

He was finally released from detention on the 16th October, 1939, and since that date had not come to the adverse notice of the police.

4. Under Section 11(1)(d) of the Municipal Corporation's Ordinance, 1934, a person cannot qualify to be elected as a Councillor unless he is enrolled, or is entitled to be enrolled, as a townsman. Under paragraph 2(c) of the Second Schedule of the Ordinance, a citizen cannot be enrolled as a townsman if he

/2

has been "sentenced by a Court of Law in Palestine to a term of imprisonment of one year and upward" unless he "has received a free pardon for the offence for which he was sentenced."

5. It is apparent therefore, that Mohamad Ali is not entitled to be elected as a Councillor unless:-

(a) He receives a free pardon for his offence, or
(b) The law is amended.

I do not consider that the argument in paragraph 8 of Mr. Asfour's letter, that he is entitled to redeem his civil rights under Article 464 and 465 of the Ottoman Code of Criminal Procedure, is relevent. Even if he were entitled to a restoration of civil rights, he still would not be entitled to election as a Councillor, as the Second Schedule of the Municipal Corporation's Ordinance does not refer in any way either to a loss or to a restoration of civil rights.

6. With regard to (a) of the last paragraph, I cannot recommend that Mohamad Ali should get a free pardon merely to enable him to be elected as a Municipal Councillor.

7. With regard to (b), the only amendment I deem practicable would be to add a proviso to the Schedule giving the High Commissioner power to exempt individuals. I do not however, consider this a desirable solution, as such exemptions would be deemed to have political implications and probably be looked upon by the people as an indication that Government wished certain persons tobe elected as Councillors.

8. In the circumstances, if you approve, I propose to reply to Mr. Asfour that I am of opinion that his client is ineligible forelection as the law stands, and that I am not disposed to recommend either that he should get a free pardon or that the law should be amended.

Ag/DISTRICT COMMISSIONER,
SAMARIA DISTRICT

(30)

COPY

JOHN ASFOUR,
Advocate.

Carmelite Buildings,
HAIFA,
PALESTINE.

Ref. No. 3364/45

18th November, 1945.

The DistrictCommissioner,
Samaria District,
NABLUS.

Dear Sir,

I beg leave to submit the following for your kind consideration. This same matter was reported by to the Attorney General who directed that representations should first be made to you.

2. During the distrubed state of the country in 1936, a certain Mohamad AliEl Saleh with four others was tried before theDistrict Court, Haifa, Criminal Case 101/36, on charges contrary to Sections 24,25,26 and 29 of the Criminal Law (Seditious Offences) Ordinance No. 41 of 1929 and Article 114 and 154 of the Ottoman Penal Code,

3. The circumstances of the case arose out ofan unlawful demonstration in Haifa in which it was alleged that all five had participated.

4. Mohamad Ali El Saleh was sentenced to 15 months imprisonment. He Spent this period in prison, and after his release he settled down in Tulkarm and has been living there ever since.

5. Mohamad Ali El Salah is now supported by an appreciable number of townsmen in Tulkarm and desires to put himself.up as a candidate to the Municipal Council at the coming elections there.

6. I was consulted about this matter and in view of Section 2(c) of the second Schedule to the Municipal Corporation's Ordinance I consider that if he be returned he will be disqualified.

7. It does seem to me however, that the circumstances of my client are extremely hard especially so because his convictionarose out of a political disturbance and as such he should not, in the ordinary course of events be deprived from exercising his right of franchize because of it.

8. I am reinforced in my opinion by Article 464 & 465 of the Ottoman Code of Criminal Procedure which, I think are still in force in Palestine. Under these articles a person convicted of an ordinary crime is entitled to redeem his civil rights of which he was deprived by the conviction upon performing certain conditions. Those conditions on the mainare that he shall have resided in one District for a period of 5 years in the case of a felony or 3 years in the case of mis-demeanour, and that he shall have spent the period of conviction in prison fully. Both those two conditions have been fulfilled.

9. In order therefore to avail my client of the preliminary right of voting at a Municipal elections and to put himself up as a candidate at those elections, I suggest that the law should be amended so as to bring in the provisions of all articles contained in the fourth Chapter of the Ottoman Code of Criminal Procedure (463-478 inclusive), to bear.

10. Should it be difficult to accept the foregoing suggestion I take leave to apply through your good offices for a free pardon to be accorded to my client, as it does not seem just that a conviction of this nature against him should remain an indelible stain on my client's character.

As the matter of the Municipal elections is now going at full speed in Tulkarm, it is prayed that you do give this matter urgent consideration.

Yours faithfully,
J. ASFOUR.

Copy to : A.D.C., Tulkarm

2. And, in accordance with section 14(2) of the Municipal Corporations Ordinance, 1934, I hereby prescribe the 16th day of December, 1945, as the date on which the Electoral Committee for the Municipal Corporation of Tel Aviv shall begin to prepare the register of voters.

14th November, 1945.
(SF/84/41)

I. Ll. PHILLIPS
Acting District Commissioner, Lydda District.

NOTICE.

NOTICE IS HEREBY GIVEN that, in accordance with section 13 of the Municipal Corporations Ordinance, 1934, I, W. V. FULLER, Acting District Commissioner, Samaria District, have this day appointed the persons named hereunder to act respectively as Chairman and Members of the Electoral Committee for the Municipal Corporation of Tulkarm until further notice:—

Chairman: Hashim Eff. Jayyusi.
Members: Mohd. Eff. Abdul Halim, el Jabali,
Salah Amin Eff. Salah,
Tahir Eff. Hannun,
Khalil Eff. Jallad,
George Eff. Dahalan.

2. And, in accordance with section 14(2) of the Municipal Corporations Ordinance, 1934, I hereby prescribe the 13th day of December, 1945, as the date on which the Electoral Committee for the Municipal Corporation of Tulkarm shall begin to prepare the register of voters.

W. V. FULLER
Acting District Commissioner, Samaria District.

26th November, 1945.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
28 NOV 1945
JERUSALEM

GOVERNMENT OF PALESTINE

IN REPLY PLEASE QUOTE
No. 591

DISTRICT COMMISSIONER'S OFFICES,
SAMARIA DISTRICT,
NABLUS.

REGISTERED

26 November, 1945

Chief Secretary

(99) in SF

SF

With reference to my letter No. 591 dated the 16th October, 1945, submitting for publication in the Gazette two notices appointing electoral committees in Tulkarm and Jenin I note that while the ~~date~~ notice in respect of ~~Tulkarm~~ was published in the Gazette of the 25th October, 1945, the notice in respect of Tulkarm has not yet been published.

2. As the date prescribed in my original notice as the date on which the electoral committee should begin to prepare the register of voters was the 15th October, 1945, i.e. six weeks ago, I now (1a) include a new notice on which the date prescribed is the ~~14th~~ 13th of December, 1945, and unless the Law Officers see any objection to the substitution of a new notice I should be grateful if the new notice could be published forthwith.

3. As the delay in the publication of a notice in respect of Tulkarm is causing comment and political discontent in that town I should be grateful if this letter will be treated as one of extreme urgency and the notice published in the next Gazette.

Ag. DISTRICT COMMISSIONER
SAMARIA DISTRICT

(Encls: 3)

Draft { Please send a copy of the enclosed notice to the Gov. Printer (Gov. Clerk) for publication in the next issue of the Gazette. D.Y.P.

(1a)

N O T I C E

Notice is hereby given that, in accordance with Section 13 of the Municipal Corporations Ordinance, 1934, I W.V.Fuller, Acting District Commissioner, Samaria District, have this day appointed the persons named hereunder to act respectively as Chairman and Members of the Electoral Committee for the Municipal Corporation of Tulkarm until further notice:-

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Members: Mohd. Eff. Abdul Halim, el Jabali

Salah Amin Eff. Salah

Tahir Eff. Hannun

Khalil Eff. Jallad

George Eff. Dahalan

2. And, in accordance with Section 14(2) of the Municipal Corporations Ordinance, 1934, I hereby prescribe the 13th ~~14th~~ day of December, 1945, as the date on which the Electoral Committee for the Municipal Corporation of Tulkarm shall begin to prepare the register of voters.

Ag. DISTRICT COMMISSIONER
SAMARIA DISTRICT

Date: 26th November, 1945.

N O T I C E

Notice is hereby given that, in accordance with Section 13 of the Municipal Corporations Ordinance, 1934, I W.V.Fuller, Acting District Commissioner, Samaria District, have this day appointed the persons named hereunder to act respectively as Chairman and Members of the Electoral Committee for the Municipal Corporation of Tulkarm until further notice:-

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(Sd.) W.V. FULLER
Ag. DISTRICT COMMISSIONER
SAMARIA DISTRICT

Date: 26th November, 1945.

The Palestine Arab Party,
P.O.B. 1357,
Jerusalem.

25th May, 1946.

The Honourable,
The Chief Secretary.

Sir,

Many of the people in the different towns of Palestine complain to us of the delay in holding the municipal elections, and request that you may be moved to use your good offices with a view to issuing the necessary instructions for expediting the election in the towns in which the elections have not as yet been held.

Tulkarem may be cited as an example of such delay as all the legal formalities regarding the voters and registers of these town were completed about a month ago, but no date has yet been fixed for the elections. Any further delay in holding these elections would arouse the anxiety of the public and create rumours regarding the reasons of the delay.

In the circumstances, we find it incumbent upon us to place the matter before you.

With highest respects,

(Sgd) Tewfic Saleh Huseini,
A/President of the
Palestine Arab Party.

— 0/45 f45

: file with
A.G. since 5.4.46

? B.U. or return ffl pl.

H. fl. tens. of 27.4.
in the file of
order and recalculate
fls 27.4.

(1) Ag/D. C. Samaria D. — 103/M — 23.4.46